

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RYAN McCREARY,

Plaintiff

Case No. 2:20-cv-01236-APG-BNW

ORDER

v.

CORE CIVIC, *et al.*,

Defendant

I. DISCUSSION

On July 1, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center ("NSDC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). On July 7, 2020, this Court issued an order denying Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a fully complete application to proceed *in forma pauperis* with complete financial attachments no later than September 4, 2020. (ECF No. 3).

On July 9, 2020, Plaintiff submitted a financial certificate. (ECF No. 4). Plaintiff did not submit an inmate account statement. If Plaintiff has not been at the NSDC facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

1 official (i.e. page 4 of this Court's approved form), and

2 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
 3 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
 4 Plaintiff must still submit an inmate account statement for the dates he has been present
 5 at the facility.

6 The Court will grant Plaintiff a **one final extension** to file a fully complete
 7 application to proceed *in forma pauperis* containing all three of the required documents.
 8 Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before
 9 **September 8, 2020**. Absent unusual circumstances, the Court will not grant any further
 10 extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in*
 11 *forma pauperis* with all three required documents on or before **September 8, 2020**, the
 12 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court
 13 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
 14 application to proceed *in forma pauperis*.

15 To clarify, a dismissal without prejudice means Plaintiff does not give up the right
 16 to refile the case with the Court, under a new case number, when Plaintiff has all three
 17 documents needed to submit with the application to proceed *in forma pauperis*.
 18 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*
 19 and instead pay the full filing fee of \$400 on or before **September 8, 2020** to proceed with
 20 this case.

21 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 22 will not file the complaint unless and until Plaintiff timely files a fully complete application
 23 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 26 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 27 as the document entitled information and instructions for filing an *in forma pauperis*
 28 application.

1 IT IS FURTHER ORDERED that on or before **September 8, 2020**, Plaintiff will
2 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
3 the \$50 administrative fee) or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
5 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
6 signatures on page 3),

7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
8 official (i.e. page 4 of this Court's approved form), and

9 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
10 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
11 Plaintiff must still submit an inmate account statement for the dates he has been present
12 at the facility.

13 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
14 application to proceed *in forma pauperis* with all three documents or pay the full \$400
15 filing fee for a civil action on or before **September 8, 2020**, the Court will dismiss this
16 action without prejudice for Plaintiff to refile the case with the Court, under a new case
17 number, when Plaintiff has all three documents needed to file a complete application to
18 proceed *in forma pauperis*.

19 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
20 (ECF No.1-1) but will not file it at this time.

21 DATED: July 13, 2020.

22 
23 UNITED STATES MAGISTRATE JUDGE